

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

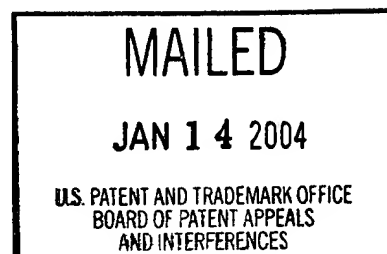
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Ex parte DONALD F. HEMMINGER

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Application No. 09/317,312

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received at the Board of Patent Appeals and Interferences on December 30, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Appellant timely filed a Notice of Appeal on April 7, 2003 (Paper No. 7) and subsequently timely filed an Appeal Brief on June 5, 2003 (Paper No. 7). We note that the filing fee for neither the Notice of Appeal nor the Appeal Brief has been charged as required by 37 CFR 1.192(a). The cover sheet of each of these documents stipulated that the filing fee be charged to Deposit Account 140 - 225, NCR Corporation.

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Accordingly, it is

ORDERED that the application is returned to the examiner for

(1) the examiner to have the matter of payment of the Appeal Brief  
filing fee corrected as required, and

(2) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:



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DMS/vsh  
RA04-0169